

AMENDED IN ASSEMBLY APRIL 24, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2072

Introduced by Assembly Member Eng

February 23, 2012

An act to ~~amend Section 3209.3 of the Labor Code~~, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2072, as amended, Eng. Workers' compensation: acupuncturists.

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. Existing law prohibits an acupuncturist, as defined, from being authorized to determine disability for certain purposes relating to workers' compensation disability payments and benefits. *Existing law establishes the Commission on Health and Safety and Workers' Compensation within the Department of Industrial Relations. Under existing law, the duties of the commission include conducting a continuing examination of the workers' compensation system, and of the state's activities to prevent industrial injuries and occupational diseases.*

~~This bill would instead prohibit an acupuncturist from being authorized to determine disability for these purposes unless he or she is designated as a qualified medical evaluator pursuant to specified provisions of law. The bill would also make technical changes require the Commission on Health and Safety and Workers' Compensation to~~

submit to the Legislature, by December 31, 2013, an assessment of whether acupuncturists, and acupuncturists who additionally have obtained qualified medical evaluator status, possess the knowledge, skills, and abilities to conduct disability evaluations in the workers' compensation system, and if not, the additional training or certification that would be required to achieve that status.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) *The Commission on Health and Safety and*
2 *Workers' Compensation shall submit to the Legislature, by*
3 *December 31, 2013, an assessment of whether acupuncturists, and*
4 *acupuncturists who additionally have obtained qualified medical*
5 *evaluator status, currently possess the knowledge, skills, and*
6 *abilities to conduct disability evaluations in the workers'*
7 *compensation system, and if either category of acupuncturist does*
8 *not possess the necessary knowledge, skills, and abilities, the*
9 *additional training or certification that would be required to*
10 *achieve that status.*

11 (b) (1) *The requirement for submitting a report imposed under*
12 *subdivision (a) is inoperative on January 1, 2017, pursuant to*
13 *Section 10231.5 of the Government Code.*

14 (2) *A report submitted pursuant to subdivision (a) shall be*
15 *submitted in compliance with Section 9795 of the Government*
16 *Code.*

17 ~~SECTION 1. Section 3209.3 of the Labor Code is amended to~~
18 ~~read:~~

19 ~~3209.3. (a) "Acupuncturist" means a person who holds an~~
20 ~~acupuncturist's certificate issued pursuant to Chapter 12~~
21 ~~(commencing with Section 4925) of Division 2 of the Business~~
22 ~~and Professions Code.~~

23 ~~(b) "Physician" includes physicians and surgeons holding an~~
24 ~~M.D. or D.O. degree, psychologists, acupuncturists, optometrists,~~
25 ~~dentists, podiatrists, and chiropractic practitioners licensed by~~
26 ~~California state law and within the scope of their practice as defined~~
27 ~~by California state law.~~

28 ~~(c) "Psychologist" means a licensed psychologist with a doctoral~~
29 ~~degree in psychology, or a doctoral degree deemed equivalent for~~

1 licensure by the Board of Psychology pursuant to Section 2914 of
2 the Business and Professions Code, and who either has at least
3 two years of clinical experience in a recognized health setting or
4 has met the standards of the National Register of the Health Service
5 Providers in Psychology.

6 (d) ~~When treatment or evaluation for an injury is provided by~~
7 ~~a psychologist, provision shall be made for appropriate medical~~
8 ~~collaboration when requested by the employer or the insurer.~~

9 (e) ~~Nothing in this section shall be construed to authorize an~~
10 ~~acupuncturist to determine disability for the purposes of Article 3~~
11 ~~(commencing with Section 4650) of Chapter 2 of Part 2, or under~~
12 ~~Section 2708 of the Unemployment Insurance Code, unless he or~~
13 ~~she is designated as a qualified medical evaluator under Section~~
14 ~~139.2.~~